IN THE HIGH COURT OF JUDICATURE AT PATNA
MA No.492 of 2005
UNITED INDIA INSURANCE COMPANY
Versus
FATIMA KHATOON & ORS
For the Appellant - Durgesh Kumar Singh , Advocate
For the Respondents:- Mr. Vijay Shankar Shrivastava,Advocate.
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9. 04.08.08. The appellant United India Insurance Company Limited has challenged the judgment dated 14th June, 2005 and award signed on 16. 8. 05, whereby and whereunder learned Presiding Officer of Motor Accident Claim Tribunal, East Champaran, Motihari in Claim Case No. 2/2001/2/2004 has directed the appellant to deposit the amount of Rs. 3,93,500/- with 6 % interest. It has also been directed that United India Insurance Company Limited should pay the entire amount of compensation along with interest either through the chalan or through an account payee cheque.

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It has been submitted that Rs. 50,000/- was shown to have been paid vide order dated 11.9.2003 and as such in compliance thereof that amount was paid to Fatima khatoon on 26.9.03, vide Cheque No. 373290, dated 24.9.03. The aforesaid amount should have been deducted while preparing the award.

Next ground which has been raised here is in respect of the salary sheet of the deceased and was not taken into consideration in right perspective, rather Rs. 6,000/- was taken into consideration by way of multiplier for calculating the amount to be paid by the Insurance Company.

From the acquittance roll of the deceased, it appears that his gross salary was Rs. 7,000/- and odd i.e. Rs. 4750.00 basic pay with

Rs. 1805.00 D.A., Rs. 356.00 as House Rent, Rs. 50/- Medical Allowance, Rs. 50/-, Khetriya (Regional) Allowance Rs. 50/- and Washing Allowance Rs. 30/-. So his net salary also comes more than Rs. 6,000/-.

Learned Tribunal has rightly taken into consideration the entire matter as also the multiplier system. So that there is no requirement to interfere with the impugned order.

Under the facts and circumstances this appeal is disposed of affirming impugned order and Rs. 25,000/- which was deposited by the appellant should be returned to appellant and Rs. 50,000/- which was paid earlier should also be deducted.

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M. Pal. **(Subash Chandra Jha,J.)**